MIAMI REVIEW — MIAMI, FLORIDA

Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1975

NO. 75-1542

FRANCES OWEN WARRINER,
a/k/a FRANCES O. WARRINER,

Petitioner,

-vs-

MARILYN FERNANDEZ, an alleged free dealer, formerly known as MARILYN KAY THAL, a free dealer, and as the wife of PAUL GOODLEMAN; SAM BERGER, BEN GOULD, SIDNEY THAL, and MARIO R. FERNANDEZ, individually, and as Administratrix C.T.A. of the Estate of SAM KAY, and as the last officer and director of the dissolved Florida corporations LOAN STAR, INC., and PUBLIC INVESTMENT CORPORATION, INC.; and MARIO R. FERNANDEZ individually and as the husband of MARILYN FERNANDEZ; and MORRIS FOX, and his wife, JEAN FOX; and TITLE GUARANTEE COMPANY OF BALTIMORE, MARYLAND, licensed and organized to do business in the State of Florida,

Respondents.

RESPONDENTS' BRIEF ON JURISDICTION (MORRIS FOX, JEAN FOX and TITLE GUARANTEE COMPANY OF BALTIMORE)

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MIAMI REVIEW — 371-4853 — 377-3721

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For over 25 years the Petitioner has doggedly pursued her misguided attempts to seek relief in all the Florida state courts and Federal courts. Indeed, this Court has rejected jurisdiction on two prior occasions (372 U.S. 943, 396 U.S. 1021).

The Supreme Court of Florida concluded that it had no jurisdiction (App. 1) and accordingly, this petition for writ of certiorari is of necessity directed to the opinion of the District Court of Appeal, Third District (App. 3-5). This opinion does nothing more than conclude that the Petitioner is estopped from pursuing this litigation based upon 25 years of adverse rulings.

The Petitioner does not explain how this Court could possibly have jurisdiction of this cause. Although the Petitioner recites a litany of federal statutes and constitutional provisions (Brief, pp. 3-6), the argument sections of the brief consist of nothing more than a rambling, disconnected rehash of 25 years of unmeritorious litigation. Petitioner bases her main premise for this petition on this Court's decision in *Fuentes v. Shevin*, 407 U.S. 67, wherein this Court reinforced the well-recognized concept that procedural due process involves notice as well as a hearing. The *Fuentes* case involved the interpretation of prejudgment replevin statutes and has no relevance to the instant case wherein the Petitioner has been noticed and heard in every state and federal court for the past 25 years. This cause presents a classic example of abuse of judicial process by the Petitioner, who has received numerous sympathetic hearings from courts solicitous of the Petitioner's crusade *sans* legal advice.

The petition presented herein is so devoid of merit that further response by these Respondents would unduly burden this Court in its efforts to dispose of the substantial pressing matters now pending before the Court.

CONCLUSION

The petition for writ of certiorari should be denied.

Respectfully submitted,

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KENNETH L. RYSKAMP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that 2 printed copies of the Respondents' [Fox and Title Guarantee Company of Baltimore, Maryland] Brief on Jurisdiction was mailed to FRANCES OWEN WARRINER, 2735 S. W. 10th Terrace, Apt. #3, Miami, Florida 33135, and WEINSOFF, WEINSOFF & CARNEY, P. A., 804 Roberts Building, Miami, Florida 33130, this ——— day of May, 1976.

KENNETH L. RYSKAMP